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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,709	02/19/2004	Stacey L. McPherson	23492.00	3196

7590 08/09/2005

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EXAMINER
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TANG, SON M

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/780,709

Applicant(s)

MCPHERSON, STACEY

Examiner

Son M. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/19/04 01 February 1904 *TM 8-8-05*
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/19/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch [US 4,567,563] in view of Nishioka [US 6,819,250].

**Regarding claims 1 and 3:** Hirsch discloses a remote monitoring system, comprising:

-a water meter (67) for measuring water at the pump outlet, wherein a signal wire pair 68 connecting a signal output of said meter to the transmitter 66, which is transmitted to a remote computer 16 and computer 16 communicates a programmable message concerning the status and location of the pump to a farmer via telephone network system [as shown in Fig. 6-7, col. 5, lines 20-55 and Fig. 2, col. 3, lines 35-44], Hirsch does not specifically disclose that data communications network is a wireless communication. However, wireless communication network is well known in communication art, therefore, Examiner taken an Official Notices that wireless communication is known in the communication art. Although, Hirsch does not specifically disclose that the transmitting device is a Cellemetry comprises an Uplink DigiCell 1500 Universal Alarm Transceiver, however, as long as the data signal is being transmitted, using a known type of transceiver such as a Cellemetry for the same function is not an inventive step, but it is an obvious of a matter of design choice.

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Hirsch uses water meter to monitor water from the pump, but not specifically disclose an absence/presence water sensor that produces alarm signals indicating the presence/absence of water at the pump outlet, Nishioka teaches a liquid sensor which detects out-of-liquid at the pump outlet and produces alarm [as shown in Fig. 1 and 7, col. 2, lines 43-59, col. 3, lines 34-44]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to implement a water sensor as taught by Nishioka in the water meter of Hirsch, in order to provide a precisely signal of whether water presence or absence at the pump outlet.

**Regarding claim 2:** As Hirsch and Nishioka disclose all the limitations as described above, but lack of specifically show that the sensor is self powered, however, Hirsch further discloses a solar panel (33) that charger power to all other states of the unit, which includes water sensor (water meter) [see col. 4, lines 40-53].

**Regarding claims 4-5:** As Hirsch and Nishioka disclose all the limitations as described above, they are not specifically show that water sensor is a GRI-2808 type. Since, GRI-2808 water sensor is known type of water sensor art, to implement a known GRI-2808 sensor in the system is not an inventive step, but it is a matter of design choice. Therefore, It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to use a known type of water sensor such as GRI-2808 in the water monitoring system as user desired.

**Regarding claims <sup>6</sup>~~7~~-20:** As Hirsch and Nishioka disclose all the limitations as described above, Hirsch further disclose an external power source (main power) providing power to the transmitter device [as shown in Fig. 6]. Although, Hirsch does not specifically disclose that power source is a 12-volts power supply, however, as long as the transmitter is being

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transmitted properly, use any known specific voltage is not an inventive step, but it is a matter of design choice. Therefore, it would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to use any appropriate power supply voltage such as 12-volt power supply or battery into the transmitter as user desired.

### *Conclusion*

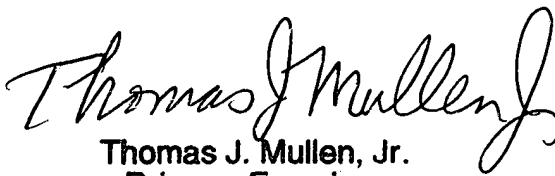
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kreikemeier et al. [US 6,853,883], Unruh et al. [US 4,626,984], Saunders [US 4,856,047] and Kiss [US 5,760,706].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang



Thomas J. Mullen, Jr.  
Primary Examiner  
Art Unit 2632